

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 OES-07 AF-10 ARA-10 EA-10 EUR-12

NEA-10 OIC-02 CIAE-00 DODE-00 NSAE-00 NSCE-00

SSO-00 USIE-00 INRE-00 DOE-15 ACDA-12 PM-05

INR-10 L-03 NASA-01 SOE-02 SS-15 /139 W

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 7702

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C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 04655

E.O. 11652:GDS

TAGS: TSPA, UN

SUBJ: OUTER SPACE LEGAL SUBCOMMITTEE - REMOTE SENSING

1. SUMMARY. WORKING GROUP TASKED WITH DRAFT PRINCIPLES CONCERNING PEACEFUL REMOTE SENSING PROGRAMS HELD FIRST TWO MEETINGS 28 MARCH AFTER LONG PROCEDURAL WRANGLE STIMULATED BY USSR WHICH INSISTED THAT WORK BEGIN WITH SO-CALLED MONGOLIAN TEXT ON PERMANENT SOVEREIGNTY (SEE 1977 LEGAL SUBCOMMITTEE REPORT, ANNEX III, P. 6). WORK-ING GROUP IN FACT BEGAN BY REVIEWING DEFINITIONS OF "PRIMARY DATA" AND "ANALYZED INFORMATION" PREPARED BY SCIENTIFIC AND TECHNICAL SUBCOMMITTEE (ANNEX III, P. 7, UNDER HEADING OF "INFORMAL WORKING PAPER SUBMITTED BY SWEDEN"), AND THEREAFTER, AS INSISTED BY US, HELD FRESH READING OF PRINCIPLES I THROUGH VII (ANNEX III, PP. 4-5). PRINCIPAL SUBSTANTIVE DEVELOPMENT FROM US VIEWPOINT WAS ACHIEVEMENT OF AGREEMENT THAT FRAME OF REFERENCE OF THESE PRINCIPLES IS "REMOTE SENSING OF THE NATURAL RESOURCES OF THE EARTH AND ITS ENVIRONMENT," NOT REMOTE SENSING IN SOME BROADER, OTHER OR UNDEFINED SENSE. END SUMMARY.

2. WORKING GROUP III CHAIRMAN TUERCK BEGAN DETAILED
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CONSIDERATION OF REMOTE SENSING PRINCIPLE AT CURRENT SES-SION BY PROPOSING THAT, AS RECOMMENDED BY PARENT OUTER SPACE COMMITTEE, THE LEGAL SUBCOMMITTEE SHOULD FIRST CONSIDER AN APPROPRIATE DEFINITION OF THE TERMS "PRIMARY DATA" AND "ANALYZED INFORMATION." USSR UNEXPECTEDLY PROPOSED WORKING GROUP INSTEAD IMMEDIATELY TAKE UP "THE MOST DIFFICULT PRINCIPLE," NAMELY THE TEXT INTRODUCED

LAST YEAR BY MONGOLIA WHICH WOULD CALL ON STATES CONDUCT-
ING REMOTE SENSING TO PAY FULL "RESPECT FOR THE PRINCIPLE
OF FULL AND PERMANENT SOVEREIGNTY OF ALL STATES AND PEOPLES
OVER THEIR OWN WEALTH AND NATURAL RESOURCES...." SWEDEN
AND US ASKED THAT WORKING GROUP BEGIN WITH THE DEFINI-
TIONAL QUESTION AS THE OSC HAD ASKED. US ALSO INSISTED
THAT WORKING GROUP THEN COMMENCE WITH A NEW READING OF
PRINCIPLES I THROUGH XI, INDICATING BELIEF THAT MANY
APPARENT DIFFERENCES COULD BE RESOLVED IN MUTUALLY
ACCEPTABLE MANNER WITHOUT DIFFICULTY. APPARENTLY SOVS
FEARED SUBJECT OF MONGOLIAN TEXT WOULD NEVER BE REACHED
FOR THEY REFUSED AND IMPASSE LASTING MOST OF MID-DAY
RESULTED. MAJORITY OF DELS WHO SPOKE COMPRISING USSR,
EEES AND LDC'S (CHILE A HELPFUL EXCEPTION) WERE ENTIRELY
PREPARED TO BEGIN WITH PERMANENT SOVEREIGNTY TOPIC, AND
A NUMBER COMMENTED ON APPARENT US DEL RIGIDITY. EVENTU-
ALLY SOV DEL COMPROMISED BY AGREEING TO BEGIN WITH
DEFINITIONS, MOVE NEXT TO A FRESH READING FROM PRINCIPLE
I ONWARDS COVERING AS MANY OF THE PRINCIPLES AS COULD BE
GOTTEN THROUGH DURING FIRST DAY, DEVOTING SECOND DAY
(29 MARCH) TO PERMANENT SOVEREIGNTY, AND RETURNING ON
THIRD AND FOURTH DAYS TO REMAINING PRINCIPLES CONTAINED
IN 1977 REPORT.

3. USSR WOULD NOT AGREE TO DEFINE TERMS "PRIMARY DATA"
AND "ANALYZED INFORMATION" AS DRAFTED BY THE SCIENTIFIC
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AND TECHNICAL SUBCOMMITTEE, PROPOSING TO "SIMPLIFY" BY
USING MERELY "DATA" AND "INFORMATION." US NOTED TENDENCY
WOULD BE FOR LATTER TERMS TO SLIDE INTO ONE ANOTHER AND
PRODUCE GENERALIZED MUDDLE. RESULT WAS TO BRACKET
"PRIMARY" AND "ANALYZED." TO OUR SURPRISE, HOWEVER, USSR
PROVED AMENABLE TO US PROPOSAL TO DESCRIBE THE FIELD OF
APPLICATION OF THESE DEFINITIONS AND THE PRINCIPLES AS
A WHOLE. WORKING GROUP THUS AGREED, WITHOUT ANY BRACKETS
WHATEVER, TO INTRODUCE THE DEFINITION WITH INTRODUCTORY
PHRASE "FOR THE PURPOSES OF THESE PRINCIPLES WITH
RESPECT TO REMOTE SENSING OF THE NATURAL RESOURCES OF
THE EARTH AND ITS ENVIRONMENT." (PARTICULAR FRENCH
DESIRE FOR DETAILED DEFINING OF "NATURAL RESOURCES" AND
"ENVIRONMENT" HAS YET TO BE WORKED OUT.) WE LIKEWISE
AGREED TO INCLUDE IN PRINCIPLE I, AGAIN WITHOUT ANY
BRACKETS, A PHRASE STATING THAT WHAT IS BEING DEALT WITH
IS REMOTE SENSING OF "THE NATURAL RESOURCES OF THE EARTH
AND ITS ENVIRONMENT." COMMENT: IF THIS HOLDS UP, WE
WILL HAVE MADE AN IMPORTANT ADVANCE.

4. EXCEPT FOR US AND JAPAN, WORKING GROUP PREFERRED TO
USE APPARENTLY MANDATORY "SHALL" AS OPERATIVE VERB FOR

THESE PRINCIPLES. WE OBSERVED THAT QUESTION OF "SHALL"
VERSUS "SHOULD" CANNOT BE REASONABLY APPROACHED UNTIL FULL
SET OF ALMOST-AGREED PRINCIPLES HAS BEEN DEVELOPED. AS
CONSEQUENCE, GREATER NUMBER OF PRINCIPLES WILL MATCH A
BRACKETED "SHALL" WITH A BRACKETED "SHOULD." (IMPORTANT
EXCEPTION IS OBLIGATION TO NOTIFY IN EVENT OF INDICATIONS
OF IMPENDING NATURAL DISASTER WHICH IS CAST SIMPLY IN
"SHALL" TERMS.)

5. SEPTTEL CONTAINS TEXTS OF TWO NEW MONGOLIAN WORKING
PAPERS, ONE ON CONSULTATION AND A SECOND ON THE PERMANENT

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C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 04655

SOVEREIGNTY SUBJECT TOGETHER WITH OUR COMMENTS.
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